

# Court of Appeals, State of Michigan

## ORDER

Auto Owners Insurance Co v Trux R Us Inc

Docket No. 290421

LC No. 2008-091556-CK

Stephen L. Borrello  
Presiding Judge

Peter D. O'Connell

Alton T. Davis  
Judges

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The Court orders that the motion to dismiss pursuant to MCR 7.211(C)(2) is GRANTED for the reason that the appeal is not within the Court of Appeals jurisdiction because the claim of appeal is untimely. The claim of appeal was not filed within 21 days of the August 27, 2008 default judgment being appealed. MCR 7.204(A)(1)(a). Further, because no motion for relief from the default judgment was filed within 21 days of its entry and the circuit court did not extend the time for filing such a motion within that 21-day period, the time for filing the claim of appeal was not extended by MCR 7.204(A)(1)(b). At this time appellant may seek to appeal the August 27, 2008 default judgment only by filing a delayed application for leave to appeal under MCR 7.205(F).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

**APR 08 2009**

Date

*Sandra Schultz Mengel*  
Chief Clerk